

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**Water Division - Water Quality Program**

**Chapter 335-6-10**  
**Water Quality Criteria**

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**335-6-10-.01**      **Purpose.**

(1) Title 22, Section 22-22-1 et seq., Code of Alabama 1975, includes as its purpose "... to conserve the waters of the State and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and aquatic life and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; to provide for the prevention, abatement and control of new or existing water pollution; and to cooperate with other agencies of the State, agencies of other states and the federal government in carrying out these objectives."

(2) Water quality criteria, covering all legitimate water uses, provide the tools and means for determining the manner in which waters of the State may be best utilized, provide a guide for determining waste treatment requirements, and provide the basis for standards of quality for State waters and portions thereof. Water quality criteria are not intended to freeze present uses of water, nor to exclude other uses not now possible. They are not a device to insure the lowest common denominator of water quality, but to encourage prudent use of the State's water resources and to enhance their quality and productivity commensurate with the stated purpose of Title 22, Section 22-22-1 et seq., Code of Alabama 1975.

(3) Water quality criteria herein set forth have been developed by the Commission for those uses of surface waters known and expected to exist over the State. They are based on present scientific knowledge, experience and judgment. Characteristics or parameters included in the criteria are those

of fundamental significance to a determination of water quality and are those which are and can be routinely monitored and compared to data that are generally available. It is the intent that these criteria will be applied only after reasonable opportunity for mixture of wastes with receiving waters has been afforded. The reasonableness of the opportunity for mixture of wastes and receiving waters shall be judged on the basis of the physical characteristics of the receiving waters and approval by the Department of the method in which the discharge is physically made.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991.

### **335-6-10-.02        Definitions.**

(1) "Commission" means the Environmental Management Commission, established by the Environmental Management Act, Code of Alabama 1975, §§22-22A-1 to 22-22A-16.

(2) "Department" means the Alabama Department of Environmental Management, established by the Alabama Environmental Management Act, Code of Alabama 1975, §§22-22A-1 to 22-22A-16.

(3) "existing uses" means those legitimate beneficial uses of a water body attained in fact on or after November 28, 1975, whether or not they are included as classified uses in ADEM Administrative Code Rule 335-6-11-.02.

(4) "industrial waste" means liquid or other wastes resulting from any process of industry, manufacture, trade or business or from the development of natural resources.

(5) "NPDES" means National Pollutant Discharge Elimination System.

(6) "other wastes" means all other substances, whether liquid, gaseous or solid, from all other sources including, but not limited to, any vessels, or other conveyances traveling or using the waters of this State, except industrial wastes or sewage, which may cause pollution of any waters of the State.

(7) "pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. Pollutant does not mean (a) sewage from vessels; or (b) water, gas, or other material which is

injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well used either to facilitate production or for disposal purposes is approved by authority of the State, and if the Department determines that such injection or disposal will not result in the degradation of ground or surface water resources.

(8) "pollution" means the discharge of a pollutant or combination of pollutants.

(9) "sewage" means water-carried human wastes from residences, buildings, industrial establishments or other places including, but not limited to, any vessels, or other conveyances traveling or using the waters of this State, together with such ground, surface, storm or other waters as may be present.

(10) "State waters" or "waters of the State" means all waters of any river, stream, watercourse, pond, lake, coastal, or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991.

### **335-6-10-.03      Water Use Classifications.**

- (1) Outstanding Alabama Water
- (2) Public Water Supply
- (3) Swimming and Other Whole Body Water-Contact Sports
- (4) Shellfish Harvesting
- (5) Fish and Wildlife
- (6) Limited Warmwater Fishery
- (7) Agricultural and Industrial Water Supply

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; December 30, 1992; September 7, 2000.

**335-6-10-.04      Antidegradation Policy.**

(1)            The purpose and intent of the water quality standards is to conserve the waters of the State of Alabama and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and aquatic life, and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; and to provide for the prevention, abatement and control of new or existing water pollution.

(2)            Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected. Uses and the water quality to support such uses were established through public participation in the initial establishment, and periodic review, of water quality standards. Should the Department determine that an existing use is not encompassed in the classification of a waterbody, that use shall be recognized.

(3)            Where the quality of the waters exceed levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water, that quality shall be maintained and protected, except that a new or increased discharge of pollutants may be allowed, after intergovernmental coordination and public participation pursuant to applicable permitting and management processes, when the person proposing the new or increased discharge of pollutants demonstrates that the proposed discharge is necessary for important economic or social development. In such cases, water quality adequate to protect existing uses fully shall be maintained. All new and existing point source discharges shall be subject to the highest statutory and regulatory requirements, and nonpoint source discharges shall use best management practices adequate to protect water quality consistent with the Department's nonpoint source control program.

(4)            Where high quality waters constitute an outstanding National resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected.

(5)            Developments constituting a new or increased source of thermal pollution shall assure that such release will not impair the propagation of a balanced indigenous population of fish and aquatic life.

(6)            In applying these policies and requirements, the State of Alabama will recognize and protect the interests of the federal government. Toward this end the Department will consult and cooperate with the Environmental Protection Agency on all matters affecting the federal interest.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991.

**335-6-10-.05      General Conditions Applicable to All Water Quality Criteria.**

(1)            The quality of any waters receiving sewage, industrial wastes or other wastes, regardless of their use, shall be such as will not cause the best usage of any other waters to be adversely affected by such sewage, industrial wastes or other wastes.

(2)            Tests or analytical procedures to determine compliance or noncompliance with water quality criteria shall be in accordance with the methods specified in 40 CFR 136.3 (1990). Where other tests or analytical procedures are found to be more applicable and satisfactory, these may be used upon acceptance and approval by the Department.

(3)            In making any tests or analytical determinations to determine compliance or noncompliance with water quality criteria, samples shall be collected in such manner and at such locations approved by a duly authorized representative of the Department as being representative of the receiving waters after reasonable opportunity for dilution and mixture with the wastes discharged thereto. Mixing zones, i.e., that portion of the receiving waters where mixture of effluents and natural waters take place, shall not preclude passage of free-swimming and drifting aquatic organisms to the extent that their populations are significantly affected.

(4)            Natural waters may, on occasion, have characteristics outside of the limits established by these criteria. The criteria contained herein relate to the condition of waters as affected by the discharge of sewage, industrial wastes or other wastes, not to conditions resulting from natural forces.

(5)            All waters, where attainable, shall be suitable for recreation in and on the waters during the months of June through September except that recreational use is not recommended in the vicinity of discharges or other conditions which the Department or the Department of Public Health does not control.

(6)            Where necessary to attain compliance with a new water quality standard, existing permits for the discharge of wastewaters shall be modified or reissued to limit the discharge of a substance causing or contributing to the failure of a water of the state to meet the new standard. Compliance with the modified limit shall be required as soon as practical, but in all cases within three years of the adoption of the new standard.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991.

**335-6-10-.06      Minimum Conditions Applicable to All State Waters.**

The following minimum conditions are applicable to all State waters, at all places and at all times, regardless of their uses:

(a) State waters shall be free from substances attributable to sewage, industrial wastes or other wastes that will settle to form bottom deposits which are unsightly, putrescent or interfere directly or indirectly with any classified water use.

(b) State waters shall be free from floating debris, oil, scum, and other floating materials attributable to sewage, industrial wastes or other wastes in amounts sufficient to be unsightly or interfere directly or indirectly with any classified water use.

(c) State waters shall be free from substances attributable to sewage, industrial wastes or other wastes in concentrations or combinations which are toxic or harmful to human, animal or aquatic life to the extent commensurate with the designated usage of such waters.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981.

**335-6-10-.07      Toxic Pollutant Criteria Applicable to State Waters.**

(1) The U. S. Environmental Protection Agency has listed the chemical constituents given in Table 1 as toxic pollutants pursuant to Section 307(a)(1) of the Federal Water Pollution Control Act (FWPCA). Concentrations of these toxic pollutants in State waters shall not exceed the criteria indicated in Table 1 to the extent commensurate with the designated usage of such waters.

(a) The freshwater and marine aquatic life criteria for certain of the pollutants are dependent on hardness or pH. For these pollutants, the criteria are given by the following equations.

1. Cadmium

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(1.128[\ln(\text{hardness in mg/l as CaCO}_3)] - 3.828)} \quad \textbf{(Eq. 1)}$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.7852[\ln(\text{hardness in mg/l as CaCO}_3)] - 3.490)} \quad \textbf{(Eq. 2)}$$

## 2. Chromium (trivalent)

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.8190[\ln(\text{hardness in mg/l as CaCO}_3)]+3.688)} \quad \textbf{(Eq. 3)}$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.8190[\ln(\text{hardness in mg/l as CaCO}_3)]+1.561)} \quad \textbf{(Eq. 4)}$$

## 3. Copper

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.9422[\ln(\text{hardness in mg/l as CaCO}_3)]-1.464)} \quad \textbf{(Eq. 5)}$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.8545[\ln(\text{hardness in mg/l as CaCO}_3)]-1.465)} \quad \textbf{(Eq. 6)}$$

## 4. Lead

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(1.273[\ln(\text{hardness in mg/l as CaCO}_3)]-1.460)} \quad \textbf{(Eq. 7)}$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(1.273[\ln(\text{hardness in mg/l as CaCO}_3)]-4.705)} \quad \textbf{(Eq. 8)}$$

## 5. Nickel

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.8460[\ln(\text{hardness in mg/l as CaCO}_3)]+3.3612)} \quad \textbf{(Eq. 9)}$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.8460[\ln(\text{hardness in mg/l as CaCO}_3)]+1.1645)} \quad \textbf{(Eq. 10)}$$

## 6. Pentachlorophenol

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{[1.005(\text{pH})-4.830]} \quad \textbf{(Eq. 11)}$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{[1.005(\text{pH})-5.290]} \quad \textbf{(Eq. 12)}$$

7. Silver

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(1.72[\ln(\text{hardness in mg/l as CaCO}_3)]-6.52)} \quad \textbf{(Eq. 13)}$$

8. Zinc

(i) freshwater acute aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.8473[\ln(\text{hardness in mg/l as CaCO}_3)]+0.8604)} \quad \textbf{(Eq. 14)}$$

(ii) freshwater chronic aquatic life:

$$\text{conc. } (\mu\text{g/l}) = e^{(0.8473[\ln(\text{hardness in mg/l as CaCO}_3)]+0.7614)} \quad \textbf{(Eq. 15)}$$

(b) The marine aquatic life criteria apply only to interstate and coastal waters of the Mobile River - Mobile Bay Basin and interstate and coastal waters of the Perdido River Basin, as identified in Rule 335-6-11-.02 of the Department's regulations. The acute aquatic life criteria apply to all waters of the State. The chronic aquatic life criteria apply only to waters classified Outstanding Alabama Water, Public Water Supply, Swimming and Other Whole Body Water-Contact Sports, Shellfish Harvesting, Fish and Wildlife, and Limited Warmwater Fishery, as identified in Rule 335-6-11-.02 of the Department's regulations.

(c) For the purpose of establishing effluent limitations pursuant to Chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ( $7Q_{10}$ ) shall be the basis for applying the chronic aquatic life criteria, except as noted in Rule 335-6-10-.09(6), and the minimum 1-day low flow that occurs once in 10 years ( $1Q_{10}$ ) shall be the basis for applying the acute aquatic life criteria; except that where a permit specifies a minimum flow greater than  $7Q_{10}$ , the specified minimum flow may be used as the basis for applying the acute and chronic aquatic life criteria for that permit.

(d) Except as noted in Table 1, two human health criteria are provided for each pollutant--a criterion for consumption of water and fish, and a criterion for consumption of fish only. For certain pollutants, the human health criterion for consumption of water and fish may represent a maximum contaminant level (MCL) developed under the Safe Drinking Water Act.

1. For pollutants classified by the U.S. Environmental Protection Agency as non-carcinogens, the criteria shall be given by the following equations, except where numeric values are given in Table 1.

(i) Consumption of water and fish:



$$\text{conc. (mg/l)} = (\text{HBW} \times \text{RfD}) / [(\text{FCR} \times \text{BCF}) + \text{WCR}] \quad \textbf{(Eq. 16)}$$

(ii) Consumption of fish only:

$$\text{conc. (mg/l)} = (\text{HBW} \times \text{RfD}) / (\text{FCR} \times \text{BCF}) \quad \textbf{(Eq. 17)}$$

where: HBW = human body weight, set at 70 kg

RfD = reference dose, in mg/(kg-day)

FCR = fish consumption rate, set at 0.030 kg/day

BCF = bioconcentration factor, in l/kg

WCR = water consumption rate, set at 2 l/day

(iii) The values used for the reference dose (RfD) shall be values available through the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS), and values used for the bioconcentration factor (BCF) shall be values contained in ambient water quality criteria documents published by the U.S. Environmental Protection Agency, except where other values are established pursuant to subparagraph (1)(g). The RfD and BCF values for specific pollutants are provided in Appendix A.

2. For pollutants classified by the U.S. Environmental Protection Agency as carcinogens, the criteria shall be given by the following equations, except where numeric values are given in Table 1.

(i) Consumption of water and fish:

$$\text{conc. (mg/l)} = (\text{HBW} \times \text{RL}) / (\text{CPF} \times [(\text{FCR} \times \text{BCF}) + \text{WCR}]) \quad \textbf{(Eq. 18)}$$

(ii) Consumption of fish only:

$$\text{conc. (mg/l)} = (\text{HBW} \times \text{RL}) / (\text{CPF} \times \text{FCR} \times \text{BCF}) \quad \textbf{(Eq. 19)}$$

where: HBW = human body weight, set at 70 kg

RL = risk level, set at  $1 \times 10^{-5}$

CPF = cancer potency factor, in (kg-day)/mg

FCR = fish consumption rate, set at 0.030 kg/day

BCF = bioconcentration factor, in l/kg

WCR = water consumption rate, set at 2 l/day

(iii) The values used for the cancer potency factor (CPF) shall be values available through the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS), and values used for the bioconcentration factor (BCF) shall be values contained in ambient water quality criteria documents published by the U.S. Environmental Protection Agency, except where other values are established pursuant to subparagraph (1)(g). The CPF and BCF values for specific pollutants are provided in Appendix A.

(e) The criteria given in Table 1 for consumption of water and fish, or computed from equation 16 or equation 18 for consumption of water and fish, shall apply only to those waters of the State classified Public Water Supply, as identified in Rule 335-6-11-.02 of the Department's regulations. The criteria given in Table 1 for consumption of fish only, or computed from equation 17 or equation 19 for consumption of fish only, shall apply to all waters of the State.

(f) For the purposes of establishing effluent limitations pursuant to Chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 10 years ( $7Q_{10}$ ) shall be the basis for applying the human health criteria for pollutants classified as non-carcinogens, and the mean annual flow shall be the basis for applying the human health criteria for pollutants classified as carcinogens; except that where a permit specifies a minimum flow greater than  $7Q_{10}$ , the specified minimum flow may be used as the basis for applying the human health criteria for pollutants classified as non-carcinogens for that permit.

(g) Numeric criteria may be computed by the Department from equations 16, 17, 18, and 19 using values for the reference dose (RfD), cancer potency factor (CPF), and bioconcentration factor (BCF) determined by the Department in consultation with the State Department of Public Health after review of information available from sources other than the U.S. Environmental Protection Agency's Integrated Risk Information System (IRIS) or ambient water quality criteria documents. Such criteria, or the RfD, CPF, and BCF values used to compute criteria, shall not be effective until adopted following established rulemaking procedures.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** March 2, 1990. **Amended:** April 3, 1991; May 28, 1992; August 29, 1994; May 30, 1997; September 7, 2000; January 12, 2001.

**335-6-10-.08      Waste Treatment Requirements.** The following treatment requirements apply to all industrial waste discharges, sewage treatment plants, and combined waste treatment plants:

(a) As a minimum, secondary treatment or "equivalent to secondary treatment" as provided for in rules and regulations promulgated by the U.S. Environmental Protection Agency at 40 CFR Part 133 (1990), shall be applied to all waste discharges. The term "secondary treatment" is applied to

biologically degradable waste and is interpreted to mean a facility which at design flow is capable of removing substantially all floating and settleable solids and to achieve a minimum removal of 85 percent of both the 5-day biochemical oxygen demand and suspended solids which, in the case of municipal wastes, is generally considered to produce an effluent quality containing a BOD<sub>5</sub> concentration of 30 mg/l and a suspended solids concentration of 30 mg/l. Disinfection, where necessary, will also be required. Waste treatment requirements also include those established under the provisions of Sections 301, 304, 306, and 307 of the Federal Water Pollution Control Act (FWPCA). In addition, the Department may require secondary treatment of biologically degradable industrial wastewaters when the application of guidelines published under federal law do not produce a similar reduction in the parameters of concern. In the application of this requirement, consideration will be given to efficiencies achieved through in-process improvements.

(b) In all cases an analysis of water use and flow characteristics for the receiving stream shall be provided to determine the degree of treatment required. Where indicated by the analysis, a higher degree of treatment may be required.

(c) The minimum 7-day low flow that occurs once in 10 years shall be the basis for design criteria.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991.

### **335-6-10-.09      Specific Water Quality Criteria.**

#### (1) OUTSTANDING ALABAMA WATER

(a) Best usage of waters: activities consistent with the natural characteristics of the waters.

(b) Conditions related to best usage:

1. High quality waters that constitute an outstanding Alabama resource, such as waters of state parks and wildlife refuges and waters of exceptional recreational or ecological significance, may be considered for classification as an Outstanding Alabama Water (OAW).

(c) Specific criteria:

1. Sewage, industrial wastes, or other wastes:

(i) Existing point source discharges to an Outstanding Alabama Water shall be allowed; however, within three years of assignment of

the OAW classification or at permit renewal, whichever is later, existing point sources shall be required to meet the effluent limitations specified for new point source discharges in subparagraph (ii) hereof.

(ii) New point source discharges or expansions of existing point source discharges shall not be allowed unless a thorough evaluation of all practicable treatment and disposal alternatives by the permit applicant has demonstrated to the satisfaction of the Department that there is no feasible alternative to discharge to the waters classified OAW. At a minimum, domestic wastewater discharges shall be required to meet monthly average effluent limitations of 15 mg/l biochemical oxygen demand (5-day), 3 mg/l ammonia nitrogen, and 6 mg/l dissolved oxygen, and shall be required to provide disinfection of the effluent. Non-domestic wastewater discharges shall be required to provide a comparably stringent level of treatment as determined by the Department.

(iii) Effluent limitations for new point source discharges or expansions of existing point source discharges to waters upstream of, or tributary to, waters classified OAW shall be established by the Department such that the impact of the discharge within the waters classified OAW is no greater than if the discharge occurred at the OAW boundary at the treatment levels specified in subparagraph (ii) hereof.

(iv) All NPDES permits shall contain toxics limits that will ensure compliance with all applicable water quality standards. Such limits shall be acute and chronic toxicity limits for individual toxic substances, whole effluent toxicity limits, or both. For permittees subject to whole effluent toxicity limitations, both acute and chronic testing will be required. Whole effluent acute toxicity will be demonstrated if the effluent causes more than 10 percent mortality of test organisms when tested at an effluent concentration of 100 percent. For permittees whose discharge will result in an in-stream waste concentration of 10 percent or more, whole effluent chronic toxicity limits will be based on an in-stream concentration of 100 percent; for permittees whose discharge will result in an in-stream waste concentration of less than 10 percent, whole effluent chronic toxicity limits will be based on the in-stream waste concentration.

(v) Nonpoint source discharges shall use best management practices adequate to protect water quality consistent with the Department's nonpoint source control program.

(vi) All NPDES permits and nonpoint sources shall incorporate or employ water pollution prevention or waste reduction measures as established by the Department.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause

the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been classified by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i)-(iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5.5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5.5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to hydroelectric turbine discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5.5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5.5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5.5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof.

6. Taste, odor, and color-producing substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine and salt waters or adversely affect the propagation thereof; impair the palatability or marketability of fish and wildlife or shrimp and crabs in estuarine and salt waters; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria: bacteria of the fecal coliform group shall not exceed a geometric mean of 100/100 ml in coastal waters and 200/100 ml in other waters. The geometric mean shall be calculated from no less than five

samples collected at a given station over a 30-day period at intervals not less than 24 hours.

8. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(2) PUBLIC WATER SUPPLY

(a) Best usage of waters: source of water supply for drinking or food-processing purposes.\*

(b) Conditions related to best usage: the waters, if subjected to treatment approved by the Department equal to coagulation, sedimentation, filtration and disinfection, with additional treatment if necessary to remove naturally present impurities, and which meet the requirements of the Department, will be considered safe for drinking or food-processing purposes.

(c) Other usage of waters: it is recognized that the waters may be used for incidental water contact and recreation during June through September, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

(d) Conditions related to other usage: the waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming places and will be considered satisfactory for swimming and other whole body water-contact sports.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated or controlled in accordance with Rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5.

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\* **NOTE:** In determining the safety or suitability of waters for use as sources of water supply for drinking or food-processing purposes after approved treatment, the Commission will be guided by the physical and chemical standards specified by the Department.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i) - (iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama, 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times;



except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances; color producing; heated liquids; or other deleterious substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, and only such temperatures as will not render the waters unsafe or unsuitable as a source of water supply for drinking or food-processing purposes, or exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish, wildlife and aquatic life, or adversely affect the aesthetic value of waters for any use under this classification.

6. Taste and odor producing substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as will not cause taste and odor difficulties in water supplies which cannot be corrected by treatment as specified under subparagraph (b), or impair the palatability of fish.

7. Bacteria:

(i) Bacteria of the fecal coliform group shall not exceed a geometric mean of 1000/100 ml; nor exceed a maximum of 2000/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. The membrane filter counting procedure will be preferred, but the multiple tube technique (five-tube) is acceptable.

(ii) For incidental water contact and recreation during June through September, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean fecal coliform organism density does not exceed 100/100 ml in coastal waters and 200/100 ml in other waters. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean fecal coliform organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: no radionuclide or mixture of radionuclides shall be present at concentrations greater than those specified by the requirements of the State Department of Public Health.

9. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters, without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(3) SWIMMING AND OTHER WHOLE BODY WATER-CONTACT SPORTS

(a) Best usage of waters: swimming and other whole body water-contact sports.\*

(b) Conditions related to best usage: the waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming places and will be considered satisfactory for swimming and other whole body water-contact sports. The quality of waters will also be suitable for the propagation of fish, wildlife and aquatic life. The quality of salt waters and estuarine waters to which this classification is assigned will be suitable for the propagation and harvesting of shrimp and crabs.

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\* **NOTE:** In assigning this classification to waters intended for swimming and water-contact sports, the Commission will take into consideration the relative proximity of discharges of wastes and will recognize the potential hazards involved in locating swimming areas close to waste discharges. The Commission will not assign this classification to waters, the bacterial quality of which is dependent upon adequate disinfection of waste and where the interruption of such treatment would render the water unsafe for bathing.

## (c) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated or controlled in accordance with Rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For estuarine waters and salt waters to which this classification is assigned, wastes as described herein shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

## 3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i)-(iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water

Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama, 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances; color producing substances; odor producing substances; or other deleterious substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances or wastes, as will not render the water unsafe or unsuitable for swimming and water-contact sports; exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish, wildlife, and aquatic life or, where applicable, shrimp and crabs; impair the palatability of fish, or where applicable, shrimp and crabs; impair the waters for any other usage established for this classification or unreasonably affect the aesthetic value of waters for any use under this classification.

6. Bacteria:

(i) Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes\* , are not acceptable for swimming or other whole body water-contact sports.

(ii) In all other areas, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean fecal coliform organism density does not exceed 100/100 ml in coastal waters and 200/100 ml in other waters. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean fecal coliform organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters.

(iii) The policy of nondegradation of high quality waters shall be stringently applied to bacterial quality of recreational waters.

7. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirement of the State Department of Public Health.

8. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters, without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(4) SHELLFISH HARVESTING

(a) Best usage of waters: propagation and harvesting of shellfish for sale or use as a food product.

(b) Conditions related to best usage: waters will meet the sanitary and bacteriological standards included in the latest edition of the National Shellfish Sanitation Program Manual of Operations, Sanitation of

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\* **NOTE:** In assigning this classification to waters intended for swimming and water-contact sports, the Commission will take into consideration the relative proximity of discharges of wastes and will recognize the potential hazards involved in locating swimming areas close to waste discharges. The Commission will not assign this classification to waters, the bacterial quality of which is dependent upon adequate disinfection of waste and where the interruption of such treatment would render the water unsafe for bathing.

Shellfish Growing Areas (1965), published by the Food and Drug Administration, U.S. Department of Health and Human Services and the requirements of the State Department of Public Health. The waters will also be of a quality suitable for the propagation of fish and other aquatic life, including shrimp and crabs.

(c) Other usage of waters: it is recognized that the waters may be used for incidental water contact and recreation during June through September, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

(d) Conditions related to other usage: the waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming places and will be considered satisfactory for swimming and other whole body water-contact sports.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated in accordance with Rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i)-(iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama, 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

#### 4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet

or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs; or affect the marketability of fish and shellfish, including shrimp and crabs.

6. Color, taste, and odor-producing substances and other deleterious substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and shellfish, including shrimp and crabs; adversely affect marketability or palatability of fish and shellfish, including shrimp and crabs; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria:

(i) Not to exceed the limits specified in the latest edition of the National Shellfish Sanitation Program Manual of Operations, Sanitation of Shellfish Growing Areas (1965), published by the Food and Drug Administration, U. S. Department of Health and Human Services.

(ii) For incidental water contact and recreation during June through September, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean fecal coliform organism density does not exceed 100/100 ml in coastal waters and 200/100 ml in other waters. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean fecal coliform organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background.



Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(5) FISH AND WILDLIFE

(a) Best usage of waters: fishing, propagation of fish, aquatic life, and wildlife, and any other usage except for swimming and water-contact sports or as a source of water supply for drinking or food-processing purposes.

(b) Conditions related to best usage: the waters will be suitable for fish, aquatic life and wildlife propagation. The quality of salt and estuarine waters to which this classification is assigned will also be suitable for the propagation of shrimp and crabs.

(c) Other usage of waters: it is recognized that the waters may be used for incidental water contact and recreation during June through September, except that water contact is strongly discouraged in the vicinity of discharges or other conditions beyond the control of the Department or the Alabama Department of Public Health.

(d) Conditions related to other usage: the waters, under proper sanitary supervision by the controlling health authorities, will meet accepted standards of water quality for outdoor swimming places and will be considered satisfactory for swimming and other whole body water-contact sports.

(e) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated in accordance with Rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature:

(i) The maximum temperature in streams, lakes, and reservoirs, other than those in river basins listed in subparagraph (ii) hereof, shall not exceed 90° F.

(ii) The maximum temperature in streams, lakes, and reservoirs in the Tennessee and Cahaba River Basins, and for that portion of the Tallapoosa River Basin from the tailrace of Thurlow Dam at Tallassee downstream to the junction of the Coosa and Tallapoosa Rivers which has been designated by the Alabama Department of Conservation and Natural Resources as supporting smallmouth bass, sauger, or walleye, shall not exceed 86° F.

(iii) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 5° F in streams, lakes, and reservoirs in non-coastal and non-estuarine areas.

(iv) The maximum in-stream temperature rise above ambient water temperature due to the addition of artificial heat by a discharger shall not exceed 4° F in coastal or estuarine waters during the period October through May, nor shall the rise exceed 1.5° F during the period June through September.

(v) In lakes and reservoirs there shall be no withdrawal from, nor discharge of heated waters to, the hypolimnion unless it can be shown that such discharge or withdrawal will be beneficial to water quality.

(vi) In all waters the normal daily and seasonal temperature variations that were present before the addition of artificial heat shall be maintained, and there shall be no thermal block to the migration of aquatic organisms.

(vii) Thermal permit limitations in NPDES permits may be less stringent than those required by subparagraphs (i)-(iv) hereof when a showing by the discharger has been made pursuant to Section 316 of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. §1251 et seq. or pursuant to a study of an equal or more stringent nature required by the State of Alabama authorized by Title 22, Section 22-22-9(c), Code of Alabama, 1975, that such limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, in and on the body of water to which the discharge is made. Any such demonstration shall take into account the interaction of the thermal discharge component with other pollutants discharged.

4. Dissolved oxygen:

(i) For a diversified warm water biota, including game fish, daily dissolved oxygen concentrations shall not be less than 5 mg/l at all times; except under extreme conditions due to natural causes, it may range between 5 mg/l and 4 mg/l, provided that the water quality is favorable in all other parameters. The normal seasonal and daily fluctuations shall be maintained above these levels. In no event shall the dissolved oxygen level be less than 4 mg/l due to discharges from existing hydroelectric generation impoundments. All new hydroelectric generation impoundments, including addition of new hydroelectric generation units to existing impoundments, shall be designed so that the discharge will contain at least 5 mg/l dissolved oxygen where practicable and technologically possible. The Environmental Protection Agency, in cooperation with the State of Alabama and parties responsible for impoundments, shall develop a program to improve the design of existing facilities.

(ii) In coastal waters, surface dissolved oxygen concentrations shall not be less than 5 mg/l, except where natural phenomena cause the value to be depressed.

(iii) In estuaries and tidal tributaries, dissolved oxygen concentrations shall not be less than 5 mg/l, except in dystrophic waters or where natural conditions cause the value to be depressed.

(iv) In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Toxic substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof.

6. Taste, odor, and color-producing substances attributable to sewage, industrial wastes, or other wastes: only such amounts, whether alone or in combination with other substances, as will not exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine and salt waters or adversely affect the propagation thereof; impair the palatability or marketability of fish and wildlife or shrimp and crabs in estuarine and salt waters; or unreasonably affect the aesthetic value of waters for any use under this classification.

7. Bacteria:

(i) Bacteria of the fecal coliform group shall not exceed a geometric mean of 1,000/100 ml ; nor exceed a maximum of 2,000/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

(ii) For incidental water contact and recreation during June through September, the bacterial quality of water is acceptable when a sanitary survey by the controlling health authorities reveals no source of dangerous pollution and when the geometric mean fecal coliform organism density does not exceed 100/100 ml in coastal waters and 200/100 ml in other waters. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours. When the geometric mean fecal coliform organism density exceeds these levels, the bacterial water quality shall be considered acceptable only if a second detailed sanitary survey and evaluation discloses no significant public health risk in the use of the waters. Waters in the immediate vicinity of discharges of sewage or other wastes likely to contain bacteria harmful to humans, regardless of the

degree of treatment afforded these wastes, are not acceptable for swimming or other whole body water-contact sports.

8. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

9. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore, in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

(6) LIMITED WARMWATER FISHERY

(a) The provisions of the Fish and Wildlife water use classification at Rule 335-6-10-.09(5) shall apply to the Limited Warmwater Fishery water use classification, except as noted below. Unless alternative criteria for a given parameter are provided in paragraph (e) below, the applicable Fish and Wildlife criteria at paragraph 10-.09(5)(e) shall apply year-round. At the time the Department proposes to assign the Limited Warmwater Fishery classification to a specific waterbody, the Department may apply criteria from other classifications within this chapter if necessary to protect a documented, legitimate existing use.

(b) Best usage of waters (May through November): agricultural irrigation, livestock watering, industrial cooling and process water supplies, and any other usage, except fishing, bathing, recreational activities, including water-contact sports, or as a source of water supply for drinking or food-processing purposes.

(c) Conditions related to best usage (May through November):

1. The waters will be suitable for agricultural irrigation, livestock watering, and industrial cooling waters. The waters will be usable after special treatment, as may be needed under each particular circumstance, for industrial process water supplies. The waters will also be suitable for other uses for which waters of lower quality will be satisfactory.

2. This category includes watercourses in which natural flow is intermittent, or under certain conditions non-existent, and which may receive treated wastes from existing municipalities and industries. In such instances, recognition is given to the lack of opportunity for mixture of the treated wastes with the receiving stream for purposes of compliance. It is also understood in considering waters for this classification that urban runoff or natural conditions may impact any waters so classified.

(d) Other usage of waters: none recognized.

## (e) Specific criteria:

1. Dissolved oxygen (May through November): treated sewage, industrial wastes, or other wastes shall not cause the dissolved oxygen to be less than 3.0 mg/l. In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

2. Toxic substances and taste-, odor-, and color-producing substances attributable to treated sewage, industrial wastes, and other wastes: only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock watering, industrial cooling, and industrial process water supply purposes; interfere with downstream water uses; or exhibit acute toxicity or chronic toxicity, as demonstrated by effluent toxicity testing or by application of numeric criteria given in Rule 335-6-10-.07, to fish and aquatic life, including shrimp and crabs in estuarine or salt waters or the propagation thereof. For the purpose of establishing effluent limitations pursuant to Chapter 335-6-6 of the Department's regulations, the minimum 7-day low flow that occurs once in 2 years ( $7Q_2$ ) shall be the basis for applying the chronic aquatic life criteria. The use of the  $7Q_2$  low flow for application of chronic criteria is appropriate based on the historical uses and/or flow characteristics of streams to be considered for this classification.

3. Bacteria: bacteria of the fecal coliform group shall not exceed a geometric mean of 1000/100 ml; nor exceed a maximum of 2000/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

## (7) AGRICULTURAL AND INDUSTRIAL WATER SUPPLY

(a) Best usage of waters: agricultural irrigation, livestock watering, industrial cooling and process water supplies, and any other usage, except fishing, bathing, recreational activities, including water-contact sports, or as a source of water supply for drinking or food-processing purposes.

## (b) Conditions related to best usage:

(i) The waters, except for natural impurities which may be present therein, will be suitable for agricultural irrigation, livestock watering, industrial cooling waters, and fish survival. The waters will be usable after special treatment, as may be needed under each particular circumstance, for industrial process water supplies. The waters will also be suitable for other uses for which waters of lower quality will be satisfactory.

(ii) This category includes watercourses in which natural flow is intermittent and non-existent during droughts and which may, of necessity, receive treated wastes from existing municipalities and industries, both now

and in the future. In such instances, recognition must be given to the lack of opportunity for mixture of the treated wastes with the receiving stream for purposes of compliance. It is also understood in considering waters for this classification that urban runoff or natural conditions may impact any waters so classified.

(c) Specific criteria:

1. Sewage, industrial wastes, or other wastes: none which are not effectively treated or controlled in accordance with Rule 335-6-10-.08.

2. pH: sewage, industrial wastes or other wastes shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.0, nor greater than 8.5. For salt waters and estuarine waters to which this classification is assigned, wastes as herein described shall not cause the pH to deviate more than one unit from the normal or natural pH, nor be less than 6.5, nor greater than 8.5.

3. Temperature: the maximum temperature rise above natural temperatures due to the addition of artificial heat shall not exceed 5° F in streams, lakes, and reservoirs, nor shall the maximum water temperature exceed 90° F.

4. Dissolved oxygen: sewage, industrial wastes, or other wastes shall not cause the dissolved oxygen to be less than 3.0 mg/l. In the application of dissolved oxygen criteria referred to above, dissolved oxygen shall be measured at a depth of 5 feet in waters 10 feet or greater in depth; and for those waters less than 10 feet in depth, dissolved oxygen criteria will be applied at mid-depth.

5. Color, odor, and taste-producing substances, toxic substances, and other deleterious substances, including chemical compounds attributable to sewage, industrial wastes, and other wastes: only such amounts as will not render the waters unsuitable for agricultural irrigation, livestock watering, industrial cooling, industrial process water supply purposes, and fish survival, nor interfere with downstream water uses.

6. Bacteria: bacteria of the fecal coliform group shall not exceed a geometric mean of 2000/100 ml; nor exceed a maximum of 4000/100 ml in any sample. The geometric mean shall be calculated from no less than five samples collected at a given station over a 30-day period at intervals not less than 24 hours.

7. Radioactivity: the concentrations of radioactive materials present shall not exceed the requirements of the State Department of Public Health.

8. Turbidity: there shall be no turbidity of other than natural origin that will cause substantial visible contrast with the natural appearance of waters or interfere with any beneficial uses which they serve. Furthermore,

in no case shall turbidity exceed 50 Nephelometric units above background. Background will be interpreted as the natural condition of the receiving waters without the influence of man-made or man-induced causes. Turbidity levels caused by natural runoff will be included in establishing background levels.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** May 5, 1967. **Amended:** June 19, 1967; July 17, 1972; February 26, 1973; May 30, 1977; December 19, 1977; February 4, 1981; March 2, 1990; April 3, 1991; December 30, 1992; September 7, 2000.

### **335-6-10-.10      Special Designations.**

#### (1)                    OUTSTANDING NATIONAL RESOURCE WATER

##### (a)                    Designation:

1.                    High quality waters that constitute an outstanding National resource, such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance, may be considered for designation as an Outstanding National Resource Water (ONRW). For waters designated as ONRW, existing water quality shall be maintained and protected.

##### (b)                    Specific Criteria:

##### 1.                    Sewage, industrial wastes or other wastes:

(i)                    No new point source discharges or expansions of existing point source discharges to Outstanding National Resource Waters shall be allowed.

(ii)                   Existing point source discharges to the Outstanding National Resource Water shall be allowed provided they are treated or controlled in accordance with applicable laws and regulations.

(iii)                   New point source discharges or expansions of existing point source discharges to waters upstream of, or tributary to, Outstanding National Resource Waters shall be regulated in accordance with applicable laws and regulations, including compliance with water quality criteria for the use classification applicable to the particular water. However, no new point source discharge or expansion of an existing point source discharge to waters upstream of, or tributary to, Outstanding National Resource Waters shall be allowed if such discharge would not maintain and protect water quality within the Outstanding National Resource Water.

(iv)                   Nonpoint source discharges shall use best management practices adequate to protect water quality consistent with the Department's nonpoint source control program.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** April 3, 1991

**335-6-10-.11      Water Quality Criteria Applicable to Specific Lakes.**

(1) For certain lakes and reservoirs, waterbody-specific criteria are appropriate to enhance nutrient management. The response to nutrient input may vary significantly lake-to-lake, and for a given lake year-to-year, depending on a number of factors such as rainfall distribution and hydraulic retention time. For this reason, lake nutrient quality targets necessary to maintain and protect existing uses, expressed as chlorophyll *a* criteria, may also vary lake-to-lake. Because the relationship between nutrient input and lake chlorophyll *a* levels is not always well-understood, it may be necessary to revise the criteria as additional water quality data and improved assessment tools become available.

(2) The following lake-specific criteria apply to the waters listed below, in addition to any other applicable criteria commensurate with the designated usage of such waters.

(a) The Chattahoochee River Basin

1. Walter F. George Lake: those waters impounded by Walter F. George Lock and Dam on the Chattahoochee River. The lake has a surface area of 45,181 acres at full power pool, 18,672 acres of which are within Alabama. The Alabama-Georgia state line is represented by the west bank of the original river channel, and the points of measurement for the criteria given below are located in Georgia waters.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition, 1998*): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 15 µg/l, as measured at the deepest point, main river channel, dam forebay; or 18 µg/l, as measured at the deepest point, main river channel, approximately 0.25 miles upstream of U.S. Highway 82.

2. West Point Lake: those waters impounded by West Point Dam on the Chattahoochee River. The lake has a surface area of 25,864 acres at full power pool, 2,765 acres of which are within Alabama. The point of measurement for the criterion given below is located in Georgia waters.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition, 1998*): the mean of photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 27 µg/l, as measured at the LaGrange, Georgia Water Intake.



## (b) The Coosa River Basin

1. Weiss Lake: those waters impounded by Weiss Dam on the Coosa River. The lake has a surface area of 30,200 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 20 µg/l, as measured at the deepest point, main river channel, power dam forebay; or 20 µg/l, as measured at the deepest point, main river channel, immediately upstream of causeway (Alabama Highway 9) at Cedar Bluff. If the mean of photic-zone composite chlorophyll a samples collected monthly April through October is significantly less than 20 µg/l for a given year, the Department will re-evaluate the chlorophyll a criteria, associated nutrient management strategies, and available data and information, and recommend changes, if appropriate, to maintain and protect existing uses.

## (c) The Tallapoosa River Basin

1. Thurlow Lake: those waters impounded by Thurlow Dam on the Tallapoosa River. The reservoir has a surface area of 574 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 5 ug/l, as measured at the deepest point, main river channel, dam forebay.

2. Yates Lake: those waters impounded by Yates Dam on the Tallapoosa River. The lake has a surface area of 2,000 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 5 ug/l, as measured at the deepest point, main river channel, dam forebay.

3. Lake Martin: those waters impounded by Martin Dam on the Tallapoosa River. The lake has a surface area of 40,000 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 5 ug/l, as measured at the deepest point, main river channel, dam forebay; or 5 ug/l, as measured at the deepest point main river channel, immediately upstream of Blue Creek embayment; or 5 ug/l as measured at the deepest point, main creek channel, immediately upstream of Alabama Highway 63 (Kowaliga) bridge.

4. R.L. Harris Lake: those waters impounded by R.L. Harris Dam on the Tallapoosa River. The lake has a surface area of 10,660 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through October shall not exceed 10 µg/l, as measured at the deepest point, main river channel, dam forebay; or 12 µg/l, as measured at the deepest point, main river channel, immediately upstream of the Tallapoosa River - Little Tallapoosa River confluence.

(d) The Tennessee River Basin

1. Pickwick Lake: those waters impounded by Pickwick Dam on the Tennessee River. The reservoir has a surface area of 43,100 acres at full pool, 33,700 acres of which are within Alabama. The point of measurement for the criterion given below is located in Tennessee waters.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

2. Wilson Lake: those waters impounded by Wilson Dam on the Tennessee River. The lake has a surface area of 15,930 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

3. Wheeler Lake: those waters impounded by Wheeler Dam on the Tennessee River. The lake has a surface area of 67,100 acres at full pool.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of the photic-zone composite chlorophyll a samples collected monthly April through September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

4. Guntersville Lake: those waters impounded by Guntersville Dam on the Tennessee River. The lake has a surface area of 69,700 acres at full pool, 67,900 of which are within Alabama.

(i) Chlorophyll a (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20th Edition*, 1998): the mean of photic-zone composite chlorophyll a samples collected monthly April through

September shall not exceed 18 µg/l, as measured at the deepest point, main river channel, dam forebay.

5. Cedar Creek Lake: those waters impounded by Cedar Creek Dam on Cedar Creek. The reservoir has a surface area of 4,200 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20<sup>th</sup> Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main creek channel, dam forebay.

6. Little Bear Creek Lake: those waters impounded by Little Bear Dam on Little Bear Creek. The reservoir has a surface area of 1,600 acres at full pool.

(i) Chlorophyll *a* (corrected, as described in *Standard Methods for the Examination of Water and Wastewater, 20<sup>th</sup> Edition*, 1998): the mean of the photic-zone composite chlorophyll *a* samples collected monthly April through October shall not exceed 8 µg/l, as measured at the deepest point, main creek channel, dam forebay.

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** January 12, 2001, May 16, 2002.

### **335-6-10-.12      Implementation of the Antidegradation Policy.**

(1) The antidegradation policy at Rule 335-6-10-.04 addresses three categories of waters/uses:

(a) High quality waters that constitute an outstanding national resource (Tier 3);

(b) Waters where the quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (Tier 2); and

(c) Existing instream water uses and the level of water quality necessary to protect the existing uses (Tier 1).

(2) Tier 3 waters are those waters designated pursuant to the Outstanding National Resource Water (ONRW) special designation at Rule 335-6-10-.10, and are identified in Rule 335-6-11-.02.

(3) Tier 1 waters are:

(a) Those waters (except waters assigned the use classification of Outstanding Alabama Water, which are Tier 2 waters) identified on the most recent EPA-approved Section 303(d) list;

(b) Those waters (except waters assigned the use classification of Outstanding Alabama Water, which are Tier 2 waters) for which attainment of applicable water quality standards has been, or is expected to be, achieved through implementation of effluent limitations more stringent than technology-based controls (BPT, BAT, and secondary treatment); and

(c) Those waters assigned the use classification of Limited Warmwater Fishery or Agricultural and Industrial Water Supply (as identified in Rule 335-6-11-.02).

(4) Tier 2 waters are all other waters (those waters not identified as either Tier 3 waters or Tier 1 waters), including all waters assigned the use classification of Outstanding Alabama Water (as identified in Rule 335-6-11-.02).

(5) All new or expanded discharges to Tier 2 waters (except discharges eligible for coverage under general permits) covered by the NPDES permitting program are potentially subject to the provisions of Rule 335-6-10-.04(3). Applicants for such discharges are required to demonstrate that the proposed discharge is necessary for important economic or social development as a part of the permit application process.

(6) After receipt of a permit application for a potentially covered discharge, the Department will determine whether the proposed discharge is to a Tier 2 water, as defined in paragraph (4) above. Of necessity, this determination will be made on a case-by-case basis.

(7) The basic framework of the permitting process is unchanged for a covered discharge to a Tier 2 water. However, the process is enhanced to document the consideration of Tier 2 provisions. The additional documentation includes:

(a) The Department's determination that the application is for a new or expanded discharge;

(b) The Department's determination that the receiving stream is considered to be a Tier 2 water; and

(c) The Department's determination, based on the applicant's demonstration, that the proposed discharge is necessary for important economic or social development in the area in which the waters are located.

(8) All three items will be documented in the permit file and/or fact sheet, and will be used by the Department in its decision process. The

public notice process will be used to announce a preliminary Department decision to deny or to allow a covered discharge to a Tier 2 water, while the final determination will be made concurrently with the final Department decision regarding the permit application for a covered discharge.

(9) Documentation by the applicant shall include:

(a) An evaluation of discharge alternatives completed by a Registered Professional Engineer licensed to practice in the State of Alabama.

1. The applicant shall document the discharge alternatives evaluation by completing and submitting the following forms, or by submitting the same information in another format acceptable to the Department:

(i) ADEM Form 311, Alternatives Analysis; and, as applicable,

(ii) ADEM Form 312, Calculation of Total Annualized Costs for Public-Sector Projects, or ADEM Form 313, Calculation of Total Annualized Costs for Private-Sector Projects. Alternatives with total annualized project costs that are less than 110% of the total annualized project costs for the Tier 2 discharge proposal are considered viable alternatives.

(b) A demonstration that the proposed discharge will support important economic or social development in the area in which the waters are located, documented by the applicant's response, in writing, to the following questions. The applicant shall provide supporting information for each response.

1. What environmental or public health problem will the discharger be correcting?

2. How much will the discharger be increasing employment (at its existing facility or as the result of locating a new facility)?

3. How much reduction in employment will the discharger be avoiding?

4. How much additional state or local taxes will the discharger be paying?

5. What public service to the community will the discharger be providing?

6. What economic or social benefit will the discharger be providing to the community?

(10) The following forms are embodied in this rule:

335-6-10-.12

- |     |               |  |
|-----|---------------|--|
| (a) | ADEM Form 311 | Alternatives Analysis  |
| (b) | ADEM Form 312 | Calculation of Total Annualized Costs<br>for Public-Sector Projects  |
| (c) | ADEM Form 313 | Calculation of Total Annualized Costs<br>for Private-Sector Projects |

**Author:** James E. McIndoe

**Statutory Authority:** Code of Alabama 1975, §§22-22-9, 22-22A-5, 22-22A-6, 22-22A-8.

**History:** August 1, 2002.

## *Alternatives Analysis*

*Applicant/Project:* \_\_\_\_\_

All new or expanded discharges (except discharges eligible for coverage under general permits) covered by the NPDES permitting program are subject to the provisions of the antidegradation policy. Applicants for such discharges to Tier 2 waters are required to demonstrate " . . . that the proposed discharge is necessary for important economic or social development." As a part of this demonstration, the applicant must complete an evaluation of the discharge alternatives listed below, to include calculation of total annualized project costs for each technically feasible alternative (using ADEM Form 312 for public-sector projects and ADEM Form 313 for private-sector projects). Alternatives with total annualized project costs that are less than 110% of the total annualized project costs for the Tier 2 discharge proposal are considered viable alternatives.

Alternative	Viable	Non-Viable	Comment
1 Land Application			
2 Pretreatment/Discharge to POTW			
3 Relocation of Discharge			
4 Reuse/Recycle			
5 Process/Treatment Alternatives			
6 On-site/Sub-surface Disposal			
(other project-specific alternatives identified by the applicant or the Department; attach additional sheets if necessary)			
7			
8			
9			

Pursuant to ADEM Administrative Code Rule 335-6-3-.04, I certify on behalf of the applicant that I have completed an evaluation of the discharge alternatives identified above, and reached the conclusions indicated.

Signature: \_\_\_\_\_  
(Professional Engineer)

Date: \_\_\_\_\_

(Supporting documentation to be attached, referenced, or otherwise handled as appropriate.)

## Calculation of Total Annualized Project Costs for Public-Sector Projects

### A. Capital Costs

Capital Cost of Project	\$ _____
Other One-Time Costs of Project (Please List, if any):	
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>Total Capital Costs (Sum column)</b>	<b>\$ _____ (1)</b>
Portion of Capital Costs to be Paid for with Grant Monies	\$ _____ (2)
Capital Costs to be Financed [Calculate: (1) – (2) ]	\$ _____ (3)
Type of Financing (e.g., G.O. bond, revenue bond, bank loan)	_____
Interest Rate for Financing (expressed as decimal)	_____ (i)
Time Period of Financing (in years)	_____ (n)
Annualization Factor = $\frac{i}{(1+i)^n - 1} + i$	_____ (4)
<b>Annualized Capital Cost</b> [Calculate: (3) x (4) ]	<b>_____ (5)</b>

### B. Operating and Maintenance Costs

Annual Costs of Operation and Maintenance (including but not limited to: monitoring, inspection, permitting fees, waste disposal charges, repair, administration and replacement.) (Please list below.)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>Total Annual O &amp; M Costs (Sum column)</b>	<b>\$ _____ (6)</b>

### C. Total Annual Cost of Pollution Control Project

Total Annual Cost of Pollution Control Project [ (5) + (6) ]	\$ _____ (7)
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**Calculation of Total Annualized Project Costs  
for Private-Sector Projects**

Capital Costs to be Financed (Supplied by applicant)	\$ _____ (1)
Interest rate for Financing (Expressed as a decimal)	_____ (i)
Time Period of Financing (Assume 10 years <sup>*</sup> )	_____ 10 years (n)
Annualization Factor = $\frac{i}{(1+i)^{10} - 1} + i$	_____ (2)
Annualized Capital Cost [Calculate: (1) x (2) ]	\$ _____ (3)
Annual Cost of Operation and Maintenance (including but not limited to monitoring, inspection, permitting fees, waste disposal charges, repair, administration and replacement) <sup>**</sup>	\$ _____ (4)
<b>Total Annual Cost of Pollution Control Project [ (3) + (4) ]</b>	\$ _____ (5)

\* While actual payback schedules may differ across projects and companies, assume equal annual payments over a 10-year period for consistency in comparing projects.

\*\* For recurring costs that occur less frequently than once a year, pro rate the cost over the relevant number of years (e.g., for pumps replaced once every three years, include one-third of the cost in each year).

TABLE 1  
TOXIC POLLUTANT CRITERIA

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Acenaphthene					Eq. 16	Eq. 17
Acrolein					Eq. 16	Eq. 17
Acrylonitrile *					Eq. 18	Eq. 19
Aldrin *	3.0		1.3		Eq. 18	Eq. 19
Anthracene					Eq. 16	Eq. 17
Antimony					Eq. 16	Eq. 17
Arsenic *	360 (tri)	190 (tri)	69 (tri)	36 (tri)	Eq. 18	Eq. 19
Asbestos					7,000,000 fibers/l(MCL)	
Benzene *					Eq. 18	Eq. 19
Benzidine *					Eq. 18	Eq. 19
Benzo(a)anthracene *					Eq. 18	Eq. 19
Benzo(a)pyrene *					Eq. 18	Eq. 19
Benzo(b)fluoranthene *					Eq. 18	Eq. 19
Benzo(k)fluoranthene *					Eq. 18	Eq. 19
Bis(2-chloroethyl)ether *					Eq. 18	Eq. 19
Bis(2-chloroisopropyl)ether					Eq. 16	Eq. 17
Bis(2-ethylhexyl)phthalate *					Eq. 18	Eq. 19
Bromoform *					Eq. 18	Eq. 19
Butylbenzyl phthalate					Eq. 16	Eq. 17
Cadmium	Eq. 1	Eq. 2	43	9.3		
Carbon tetrachloride *					Eq. 18	Eq. 19
Chlordane *	2.4	0.0043	0.09	0.004	Eq. 18	Eq. 19
Chlorobenzene					Eq. 16	Eq. 17
Chlorodibromomethane *					Eq. 18	Eq. 19
Chloroform *					Eq. 18	Eq. 19
2-Chloronaphthalene					Eq. 16	Eq. 17
2-Chlorophenol					Eq. 16	Eq. 17
Chromium (trivalent)	Eq. 3	Eq. 4				

TABLE 1  
TOXIC POLLUTANT CRITERIA

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Chromium (hexavalent)	16	11	1100	50		
Chrysene *					Eq. 18	Eq. 19
Copper	Eq. 5	Eq. 6	2.9	2.9	1300(MCL)	
Cyanide	22	5.2	1.0	1.0	Eq. 16	Eq. 17
4,4'-DDD *					Eq. 18	Eq. 19
4,4'-DDE *					Eq. 18	Eq. 19
4,4'-DDT *	1.1	0.001	0.13	0.001	Eq. 18	Eq. 19
Dibenzo(a,h)anthracene *					Eq. 18	Eq. 19
1,2-Dichlorobenzene					Eq. 16	Eq. 17
1,3-Dichlorobenzene					Eq. 16	Eq. 17
1,4-Dichlorobenzene					Eq. 16	Eq. 17
3,3'-Dichlorobenzidine *					Eq. 18	Eq. 19
Dichlorobromomethane *					Eq. 18	Eq. 19
1,2-Dichloroethane *					Eq. 18	Eq. 19
1,1-Dichloroethylene *					Eq. 18	Eq. 19
2,4-Dichlorophenol					Eq. 16	Eq. 17
1,2 Dichloropropane					Eq. 16	Eq. 17
1,3 Dichloropropylene					Eq. 16	Eq. 17
Dieldrin *	2.5	0.0019	0.71	0.0019	Eq. 18	Eq. 19
2,4-Dimethylphenol					Eq. 16	Eq. 17
Diethyl phthalate					Eq. 16	Eq. 17
Dimethyl phthalate					Eq. 16	Eq. 17
Di-n-butyl phthalate					Eq. 16	Eq. 17
4,6-Dinitro-2-methylphenol					Eq. 16	Eq. 17
2,4 Dinitrotoluene *					Eq. 18	Eq. 19
2,4-Dinitrophenol					Eq. 16	Eq. 17
Dioxin (2,3,7,8-TCDD) *					Eq. 18	Eq. 19
1,2-Diphenylhydrazine *					Eq. 18	Eq. 19

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TABLE 1  
TOXIC POLLUTANT CRITERIA

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
Endosulfan (alpha)	0.22	0.056	0.034	0.0087	Eq. 16	Eq. 17
Endosulfan (beta)	0.22	0.056	0.034	0.0087	Eq. 16	Eq. 17
Endosulfan sulfate					Eq. 16	Eq. 17
Endrin	0.18	0.0023	0.037	0.0023	Eq. 16	Eq. 17
Endrin aldehyde					Eq. 16	Eq. 17
Ethylbenzene					Eq. 16	Eq. 17
Fluoranthene					Eq. 16	Eq. 17
Fluorene					Eq. 16	Eq. 17
Heptachlor *	0.52	0.0038	0.053	0.0036	Eq. 18	Eq. 19
Heptachlor epoxide *	0.52	0.0038	0.053	0.0036	Eq. 18	Eq. 19
Hexachlorobenzene *					Eq. 18	Eq. 19
Hexachlorobutadiene *					Eq. 18	Eq. 19
Hexachlorocyclohexane (alpha) *					Eq. 18	Eq. 19
Hexachlorocyclohexane (beta) *					Eq. 18	Eq. 19
Hexachlorocyclohexane (gamma) *	2.0	0.08	0.16		Eq. 18	Eq. 19
Hexachlorocyclopentadiene					Eq. 16	Eq. 17
Hexachloroethane *					Eq. 18	Eq. 19
Indeno (1,2,3-cd) pyrene *					Eq. 18	Eq. 19
Isophorone *					Eq. 18	Eq. 19
Lead	Eq. 7	Eq. 8	220	8.5		
Mercury	2.4	0.012	2.1	0.025	Eq. 16	Eq. 17
Methyl bromide					Eq. 16	Eq. 17
Methylene chloride *					Eq. 18	Eq. 19
Nickel	Eq. 9	Eq. 10	75	8.3	Eq. 16	Eq. 17
Nitrobenzene					Eq. 16	Eq. 17
N-Nitrosodimethylamine *					Eq. 18	Eq. 19
N-Nitrosodi-n-propylamine *					Eq. 18	Eq. 19
N-Nitrosodiphenylamine *					Eq. 18	Eq. 19

TABLE 1  
TOXIC POLLUTANT CRITERIA

Pollutant	Aquatic Life Criteria (in µg/l unless otherwise noted)				Human Health Criteria (in µg/l unless otherwise noted)	
	Freshwater Acute	Freshwater Chronic	Marine Acute	Marine Chronic	Consumption of Water and Fish	Consumption of Fish Only
PCB-1016 *		0.014		0.03	Eq. 18	Eq. 19
PCB-1221 *		0.014		0.03	Eq. 18	Eq. 19
PCB-1232 *		0.014		0.03	Eq. 18	Eq. 19
PCB-1242 *		0.014		0.03	Eq. 18	Eq. 19
PCB-1248 *		0.014		0.03	Eq. 18	Eq. 19
PCB-1254 *		0.014		0.03	Eq. 18	Eq. 19
PCB-1260 *		0.014		0.03	Eq. 18	Eq. 19
Pentachlorophenol *	Eq. 11	Eq. 12	13	7.9	Eq. 18	Eq. 19
Phenol					Eq. 16	Eq. 17
Pyrene					Eq. 16	Eq. 17
Selenium	20	5.0	300	71		
Silver	Eq. 13		2.3			
1,1,2,2-Tetrachloroethane *					Eq. 18	Eq. 19
Tetrachloroethylene *					Eq. 18	Eq. 19
Thallium					Eq. 16	Eq. 17
Toluene					Eq. 16	Eq. 17
Toxaphene *	0.73	0.0002	0.21	0.0002	Eq. 18	Eq. 19
1,2-Trans-dichloroethylene					Eq. 16	Eq. 17
1,1,2-Trichloroethane *					Eq. 18	Eq. 19
Trichloroethylene *					Eq. 18	Eq. 19
2,4,6-Trichlorophenol *					Eq. 18	Eq. 19
Vinyl chloride *					Eq. 18	Eq. 19
Zinc	Eq. 14	Eq. 15	95	86		

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POLLUTANT	REFERENCE DOSE mg/(kg-day)	CANCER POTENCY FACTOR (kg-day)/mg	BIOCONCENTRATION FACTOR l/kg
Acrylonitrile		0.54	30
Aldrin		17	4670
Anthracene	0.3		30
Antimony	0.0004		1
Arsenic		1.75	44
Benzene		0.029	5.2
Benzidine		230	87.5
Benzo(a)anthracene		11.53	30
Benzo(a)pyrene		11.53	30
Benzo(b)fluoranthene		11.53	30
Benzo(k)fluoranthene		11.53	30
Bis(2-chloroethyl)ether		1.1	6.9
Bis(2-chloroisopropyl)ether	0.04		2.47
Bis(2-ethylhexyl)phthalate		0.014	130
Bromoform		0.0079	3.75
Butylbenzyl phthalate	0.2		414
Carbon tetrachloride		0.13	18.75
Chlordane		1.3	14100
Chlorobenzene	0.02		10.3
Chlorodibromomethane		0.084	3.75
Chloroform		0.0061	3.75
2-Chloronaphthalene	0.08		202
2-Chlorophenol	0.005		134
Chrysene		11.53	30
Cyanide	0.02		1
4,4'-DDD		0.24	53600
4,4'-DDE		0.34	53600
4,4'-DDT		0.34	53600
Dibenzo(a,h)anthracene		11.53	30
1,2-Dichlorobenzene	0.09		55.6
1,3-Dichlorobenzene	0.0134		55.6
1,4-Dichlorobenzene	0.0134		55.6
3,3'-Dichlorobenzidienne		0.45	312
Dichlorobromomethane		0.13	3.75
1,2-Dichloroethane		0.091	1.2
1,1-Dichloroethylene		0.6	5.6
2,4-Dichlorophenol	0.003		40.7
1,2-Dichloropropane	0.000015		4.11
1,3-Dichloropropylene	0.0003		1.9
Dieldrin		16	4670
Diethyl phthalate	0.8		73
2,4 Dimethylphenol	0.02		93.8
Dimethyl phthalate	10		36
Di-n-butyl phthalate	0.1		89
4,6-Dinitro-2-methylphenol	0.00039		5.5

POLLUTANT	REFERENCE DOSE mg/(kg-day)	CANCER POTENCY FACTOR (kg-day)/mg	BIOCONCENTRATION FACTOR l/kg
2,4-Dinitrophenol	0.002		1.5
2,4 Dinitrotoluene		0.31	3.8
Dioxin (2,3,7,8-TCDD)		17500	5000
1,2-Diphenylhydrazine		0.8	24.9
Endosulfan (alpha)	0.00005		270
Endosulfan (beta)	0.00005		270
Endosulfan sulfate	0.00005		270
Endrin	0.0003		3970
Endrin aldehyde	0.0003		3970
Ethylbenzene	0.1		37.5
Fluoranthene	0.04		1150
Fluorene	0.04		30
Heptachlor		4.5	11200
Heptachlor epoxide		9.1	11200
Hexachlorobenzene		1.688	8690
Hexachlorobutadiene		0.078	2.78
Hexachlorocyclohexane (alpha)		6.3	130
Hexachlorocyclohexane (beta)		1.8	130
Hexachlorocyclohexane (gamma)		1.326	130
Hexachlorocyclopentadiene	0.007		4.34
Hexachloroethane		0.014	86.9
Indeno (1,2,3-cd) pyrene		11.53	30
Isophorone		0.0041	4.38
Mercury	0.000286		5500
Methyl bromide	0.0014		3.75
Methylene chloride		0.0075	0.9
Nickel	0.02		47
Nitrobenzene	0.0005		2.89
N-Nitrosodimethylamine		51	0.026
N-Nitrosodi-n-propylamine		7	1.13
N-Nitrosodiphenylamine		0.0049	136
PCB-1016		7.7	31200
PCB-1221		7.7	31200
PCB-1232		7.7	31200
PCB-1242		7.7	31200
PCB-1248		7.7	31200
PCB-1254		7.7	31200
PCB-1260		7.7	31200
Pentachlorophenol		0.12	11
Phenol	0.6		1.4
Pyrene	0.03		30
1,1,2,2-Tetrachloroethane		0.2	5
Tetrachloroethylene		0.039776	30.6
Thallium	0.000068		119
Toluene	0.2		10.7
Toxaphene		1.1	13100
1,2-Trans-dichloroethylene	0.02		1.58

POLLUTANT	REFERENCE DOSE mg/(kg-day)	CANCER POTENCY FACTOR (kg-day)/mg	BIOCONCENTRATION FACTOR l/kg
1,1,2-Trichloroethane		0.057	4.5
Trichloroethylene		0.0126	10.6
2,4,6-Trichlorophenol		0.011	150
Vinyl chloride		0.0174	1.17